

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JOHN COX

PLAINTIFF

v.

CIVIL ACTION NO.: 4:16-CV-192-DMB-JMV

**SUNFLOWER COUNTY
CONSOLIDATED SCHOOL
DISTRICT**

DEFENDANT

**JOINT MOTION TO APPROVE SETTLEMENT AND
TO DISMISS ALL CLAIMS**

The parties, by and through the undersigned counsel, pursuant to the Court's August 18th order, hereby files this Joint Motion to Approve Settlement and to Dismiss All Claims, and for grounds thereof, would state the following:

1. On September 21, 2016, John Cox filed a complaint against Sunflower County Consolidated School District, alleging a denial of overtime compensation and retaliatory discharge in violation of the Fair Labor Standards Act.
2. On October 24, 2016, the School District filed an answer and then filed an Amended Answer and Defenses and Counterclaim on November 4, 2016.
3. Cox filed a response to the School District's counterclaim on November 17th.
4. The parties exchanged paper discovery, and then engaged in extensive settlement negotiations.
5. The parties reached a resolution to this matter. In particular, the parties' believed that Cox's overtime claim and the District's counter-claim were of about equal value and thus

cancelled each other out. There was a factual and legal dispute over whether overtime compensation was owed. The District's counterclaim was also a part of its defense to Cox's retaliatory discharge claim in that that was the non-retaliatory reason for his termination.

6. The parties executed a settlement agreement to this effect, a copy of which is attached hereto as Exhibit A. The parties believe that this compromise was a fair and reasonable resolution to a bona fide dispute over FLSA provisions and a counterclaim against Cox for money owed back to the District.

WHEREFORE, THE PREMISES CONSIDERED, the parties respectfully request that this Court grant their Motion, and that the Court would enter an Order approving the Settlement reached by the parties and to Dismiss all claims in this case. The parties also request any and all other relief that the Court deems just and equitable.

Respectfully submitted this 24th day of August, 2017.

/s/ James D. Harper

James D. Harper, MSB # 99386
Harper Whitwell, PLLC
1200 Jefferson Avenue, Suite 200
P.O. Box 3150
Oxford, MS 38655
Telephone: 662-234-0320
Facsimile: 662-259-8464
Email: james@harperwhitwell.com
ATTORNEY FOR THE PLAINTIFF/COUNTER-
DEFENDANT

/s/ Carlos D. Palmer

Carlos D. Palmer, MSB# 100778
Tangala L. Hollis-Palmer, MSB#103301
Palmer Law Services, LLC
115 Fulton Street; P. O. Box 272
Greenwood, MS 38935-0272
Phone: (662) 459-9111

Fax: (662) 459-9115
Email: carlosdpalmer@yahoo.com
ATTORNEY FOR THE DEFENDANT/COUNTER-
PLAINTIFF

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 24th day of August, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

carlosdpalmer@yahoo.com

Attorney for Defendant/Counter-Plaintiff

And I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants: None.

s/ James D. Harper
James D. Harper

